

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

UNITED STATES OF AMERICA

v.

6:18-cr-070

SARAH ALMAGUER,

Defendant

**DEFENDANT SARAH ALMAGUER'S
MOTION FOR MENTAL HEALTH EXAMINATION & REQUEST TO EXTEND
DEADLINE TO FILE PRETRIAL MOTIONS**

TO THE HONORABLE JEFFREY C. MANSKE:

The Defendant in the above styled and numbered cause, Sarah Almaguer, under Rule 12.2(a) of the Federal Rules of Criminal Procedure, respectfully moves the Court for an order that the defendant be examined to determine whether she was insane at the time of the alleged offense. In support of this motion, Sarah Almaguer would show the Court as follows:

I.

1. The issue of insanity has been raised in this cause with respect to Defendant as provided by 12.2(a) of the Federal Rules of Criminal Procedure.

2. In speaking to Mrs. Almaguer at length at the Jack Harwell Detention Center, including spending several hours with her in the presence of law enforcement officers on two separate occasions, Mrs. Almaguer's responses to a variety of questions posed by these officers that invited incriminating responses indicates that she may have been unable to appreciate the nature and quality or wrongfulness of the acts forming the basis of the current charges that have been levied against her. It is unknown whether she suffers from a severe mental disease or defect, as she has no known mental health history, however, it appears that she has never had a meaningful opportunity to be evaluated by a mental health professional. In the opinion of undersigned counsel, based upon the interactions with Ms. Almaguer, she exhibits many common signs of traditional mental health disorders, so it would not be surprising if, once a behavior health professional examines the defendant, she is diagnosed with previously undiagnosed mental health disorders.

3. Request is hereby made that a disinterested expert be appointed, under 18 U.S.C. §4242, to examine Defendant with regard to the insanity defense and/or to testify herein.

4. In the event the Court determines that there is competent evidence to support the defense of insanity, request is further made that a jury charge be submitted at trial as provided by 18 U.S.C. §4242(b).

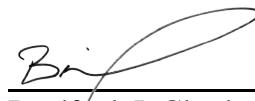
II.

Ms. Almaguer respectfully requests that the Court enlarge the time to file this pre-trial motion, based upon good cause show. Specifically, the Defense needed for Ms. Almaguer to remain in the Central Texas area in order to have meaningful interaction with her legal counsel, especially given the nature of the allegations, as well as to have the ability to meet with law enforcement to discuss her culpability and participation in the offenses of which she is accused of committing. The Defense was concerned that if this motion was filed prior to the filing deadline, Ms. Almaguer might have been transported to an out-of-state facility within the BOP before accomplishing the objectives above.

III.

Sarah Almaguer prays that the Court enter an order that the defendant be examined to determine whether she was insane at the time of the alleged offenses. Further, the Defense requests that the Court enlarge the time to file this pre-trial motion.

Respectfully Submitted,



Bradford J. Glendening
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Attorney for the Defendant,
Sarah Almaguer

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of April, 2018, I electronically filed Defendant Sarah Almaguer's Motion for Mental Health Examination & Request to Enlarge the Time to File Pretrial Motions with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Gregory Gloff
Assistant United States Attorney
800 Franklin Ave., Suite 280
Waco, TX 76701



Bradford J. Glendening, Attorney for Defendant

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SARAH ALMAGUER,

Defendant

ORDER ON DEFENDANT SARAH ALMAGUER'S MOTION FOR MENTAL HEALTH EXAMINATION

Defendant Sarah Almaguer's Motion for Mental Health Examination is hereby:

GRANTED

DENIED

Signed in Waco, Texas on this _____ day of _____, 2018.

Jeffrey C. Manske
United States Magistrate Judge